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2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Memorandum on activities relating to the Treaty on the South-East Asia Nuclear-Weapon-Free Zone

Submitted by Malaysia

Background

1. The Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Treaty of Bangkok) was signed on 15 December 1995 by 10 States members of the Association of Southeast Asian Nations (ASEAN), namely Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam (States parties). The Treaty, which entered into force on 27 March 1997 and was registered with the United Nations on 26 June 1997, is of a permanent nature and shall remain in force indefinitely. The aspirations of the Treaty are further reinforced by the provisions of the ASEAN Charter, which states that one of the purposes of ASEAN is to preserve South-East Asia as a nuclear-weapon-free zone and free of all other weapons of mass destruction.

2. The Treaty of Bangkok commits the States parties to preserving South-East Asia as a nuclear-weapon-free zone, which in turn contributes to peace, stability and security in the region. The Treaty also commits the States parties to fully supporting the three main pillars of the Treaty on the Non-Proliferation of Nuclear Weapons, namely nuclear non-proliferation, nuclear disarmament and peaceful uses of nuclear energy.

3. The present memorandum updates the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on activities relating to the Treaty of Bangkok that have taken place since the 2010 Conference, and highlights the progress made and other developments related to the continued implementation of the goals and objectives of the Treaty of Bangkok.

Implementation of the provisions of the Treaty of Bangkok

4. The Commission for the South-East Asia Nuclear-Weapon-Free Zone adopted a second five-year plan of action for the period 2013-2017 to continue the process of strengthening the implementation of the Treaty of Bangkok and ensure compliance with its provisions. The first five-year plan lapsed in 2012. The new plan of action

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reflects and manifests the sustained commitment of the States parties to the goals and objectives of the Treaty of Bangkok by identifying realizable concrete measures and actions towards the implementation of the Treaty.

5. Significant progress has been made by States parties in acceding to relevant multilateral conventions and agreements related to promoting and reinforcing the nuclear non-proliferation regime:

- Nine States parties have acceded to the International Atomic Energy Agency (IAEA) Convention on Early Notification of a Nuclear Accident, with the most recent accessions by Cambodia and the Lao People's Democratic Republic in 2012 and 2013, respectively.
- Four States parties have acceded to the Convention on Nuclear Safety, with the most recent accession by Cambodia in 2012.
- Eight States parties have ratified the Comprehensive Nuclear-Test-Ban Treaty, with the most recent accessions by Indonesia and Brunei Darussalam in 2012 and 2013, respectively.
- Six States parties have acceded to the Convention on the Physical Protection of Nuclear Material, with the recent accessions by the Lao People's Democratic Republic, Viet Nam and Singapore in 2010, 2012 and 2014, respectively. In addition, Indonesia and Viet Nam ratified the Amendment to the Convention in 2010 and 2012, respectively, and Singapore accepted the Amendment in 2014.

6. Significant progress has been made with regard to the number of States parties ratifying or signing IAEA additional protocols, as follows:

- Indonesia, the Philippines, Singapore and Viet Nam have ratified their respective additional protocols, with Vietnam being the most recent to do so, in May 2013.
- Apart from Malaysia and Thailand, Myanmar and the Lao People's Democratic Republic recently signed additional protocols in 2013 and 2014, respectively, and all are in the process of carrying out internal procedures to finalize the ratification process.
- The IAEA Board of Governors approved in June 2014 the prospective conclusion by Cambodia of additional protocols.

7. The States parties have continued their sustained efforts to promote the profile of the Treaty of Bangkok in multilateral forums and international organizations. A key activity in this regard is the regular biennial tabling and adoption of the ASEAN resolution on the Treaty of Bangkok in the First Committee of the General Assembly. This activity was started at the sixty-second session of the Assembly, in 2007, and has been a regular feature biennially, with the most recent resolution on the Treaty adopted at the sixty-eighth session, on 5 December 2013. ASEAN will also table a resolution on the Treaty at the seventieth session, in 2015. The resolution is an important exercise for States parties to the Treaty of Bangkok, as it reflects and manifests the importance of the South-East Asia Nuclear-Weapon-Free Zone in strengthening the security of States in the region and its role in contributing to international peace and security, as well as to global nuclear disarmament and the global nuclear non-proliferation regime under the Non-Proliferation Treaty.

Cooperation with the International Atomic Energy Agency and other partners

8. To strengthen the capacity of the States parties in implementing the Treaty of Bangkok and its plan of action, the States parties have promoted close cooperation with IAEA and other partners, including other nuclear-weapon-free zone regimes and dialogue partners of ASEAN. Beyond capacity-building, areas of cooperation also include receiving technical assistance from partners.

9. With Brunei Darussalam joining IAEA in 2014, all States parties are now members of the Agency. ASEAN foreign ministers, at their meeting on 8 August 2014, recognizing the central and important role of IAEA in nuclear non-proliferation and promoting peaceful uses of nuclear energy, agreed to explore ways to establish formal relations between ASEAN and IAEA.

10. Pending the development of an ASEAN-IAEA cooperative framework, the Agency has invited officials from ASEAN member States and the ASEAN secretariat to participate in IAEA activities designed for South-East Asia and the Asia-Pacific. Representatives of IAEA also attended various activities and meetings under ASEAN and ASEAN-related frameworks, such as the ASEAN Network of Regulatory Bodies on Atomic Energy (ASEANTOM) and the ASEAN Regional Forum Intersessional Meeting on Non-Proliferation and Disarmament.

11. Through the new plan of action, States parties will strive to establish cooperation with other international and regional bodies and institutes with relevant resources and expertise, including the Comprehensive Nuclear-Test-Ban Treaty Organization, to seek their support for the implementation of the provisions of the Treaty of Bangkok, as well as with other nuclear-weapon-free zones, to exchange best practices. In this regard, a regional seminar on the theme "Maintaining a South-East Asia region free of nuclear weapons" was held on 12 February 2013 in Jakarta. The seminar provided a good opportunity to strengthen linkage and synergy between ASEAN regional efforts and global non-proliferation regimes. The seminar also successfully identified ways and means to peruse the relevant forms of cooperation that could be explored under the IAEA safeguards and instruments in order to strengthen the objectives of the ASEAN Charter and the Treaty of Bangkok. The States parties also continue to engage with States parties to nuclear-weapon-free zone treaties of the other regions at the Review Conference and the Conference of States Parties and Signatories of Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia.

12. Under the framework of the ASEAN energy ministers meeting, States parties have undertaken a number of capacity-building and information-sharing programmes and activities on civilian nuclear energy with dialogue partners, such as Japan, the Republic of Korea, the Russian Federation and the United States of America. These activities include, among others, the ASEAN Plus Three civilian nuclear energy human resource development programme, which has been ongoing since 2011, a seminar on the peaceful use of nuclear energy, non-proliferation and security held on 4 and 5 June 2013, an ASEAN-Russian Federation workshop on the peaceful use of nuclear energy for power generation held on 29 and 30 September 2010 in Hanoi and an ASEAN-United States workshop on the theme "Developing a safe and secure nuclear power programme: the essential elements", held on 9 October 2013 in Jakarta.

Consultations with the nuclear-weapon States on the Protocol to the Treaty of Bangkok

13. Since the signing of the Treaty in 1995, the States parties have pursued consultations with the five nuclear-weapon States to secure the latter's support for and recognition of the Treaty of Bangkok in ensuring a South-East Asia region free of nuclear weapons by signing the Protocol to the Treaty of Bangkok. After a hiatus of more than 10 years, direct consultations between the States parties and the nuclear-weapon States resumed in 2011 to address outstanding issues related to the signing of the Protocol by the latter. The resumption of direct consultations was a significant breakthrough for the States parties. However, as France, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland have indicated that they intend to submit reservations to the Protocol before signing the instrument, the objective of getting the nuclear-weapon States to accede to the Protocol to the Treaty of Bangkok has been delayed.

14. The States parties remain seized of this matter and will continue discussions with the nuclear-weapon States to resolve the outstanding issues.

Other developments

15. Concerns over nuclear safety have higher prominence within ASEAN owing to the potential transboundary impact and implications of accidents in nuclear installations. Regional cooperation on nuclear safety is being carried out under the framework of the ASEAN energy ministers meeting with the establishment and operation of the Nuclear Energy Cooperation Subsector Network, as well as through cooperation with like-minded dialogue partners of ASEAN. Following the incident at the Fukushima nuclear plant in Japan in 2011, ASEAN member States agreed to: (a) engage in information sharing and promoting transparency on relevant nuclear-related issues in the region; (b) promote and uphold IAEA standards of safety and security in the development of civilian nuclear energy; and (c) develop a coordinated ASEAN approach to collectively contribute to global efforts to improve nuclear safety. This would be done in cooperation with IAEA and other relevant partners, and regional arrangements, such as the Asian Nuclear Safety Network.

16. Establishing cooperation and networking among the nuclear regulatory agencies of ASEAN member States is part of the regional effort to further promote nuclear safeguards, nuclear security and nuclear safety. In this context, ASEANTOM was established in 2013 as an Annex I body under the ASEAN Political-Security Community. This network will facilitate the sharing of best practices and exchange of views and information, as well as discussion on safety, security and safeguards in the use of nuclear energy among the nuclear regulatory bodies or relevant authorities in the region.

Assessment

17. The executive organs at all levels of the Treaty of Bangkok, namely the Commission for the South-East Asia Nuclear-Weapon-Free Zone, the Executive Committee of the Commission and the Working Group of the Executive Committee, will continue to explore ways and means to achieve further progress in the implementation of the Treaty and its plan of action.

18. Other relevant ASEAN bodies and mechanisms also have important roles in ensuring that South-East Asia remains free of nuclear weapons and that high standards of safeguards and safety measures are adhered to if there are plans to use nuclear energy in the region. These entities include the ASEAN energy ministers meeting, the Nuclear Energy Cooperation Subsector Network, ASEANTOM and the ASEAN Regional Forum Intersessional Meeting on Non-Proliferation and Disarmament. It is important to establish close regional coordination and information sharing to continue to keep the region free of nuclear weapons or in addressing the subject of the peaceful uses of nuclear energy.

19. As ASEAN charts its future directions through the development of the ASEAN Community Vision 2025, States parties to the Treaty of Bangkok will remain committed to keeping South-East Asia free of nuclear weapons and other weapons of mass destruction, and will contribute and participate actively in global efforts on disarmament, non-proliferation and peaceful uses of nuclear energy.